

REMARKS

In response to the above noted Office Action, Applicants have amended the Abstract of the Invention, with the Abstract now having approximately 125 words. In addition, Claims 1, 15, 23, 24 and 29 have been amended. Claims 1 – 11, 15, 17 – 18, 21, 23 – 27, and 29 – 34 are now pending in the application.

Claims 21, 23 – 27 and 29 – 34 have been allowed. Claims 23, 24 and 29 of the allowed claims have been amended to correct certain minor informalities and are still believed to be allowable.

Rejected Claim 1 is directed to a binder strip cassette which includes, among other things a binder strip roll which includes a multiplicity of binder strips disposed along the length of an elongated carrier. In one embodiment of the present invention, a layer of pressure sensitive adhesive is disposed intermediate the binder strip substrates and the elongated carrier, with the "layer of pressure sensitive adhesive being disposed along less than a total length of the each of the binder strip substrates". As noted in the subject application in connection with the description of Fig. 11A, in one embodiment of the binder strip cassette, regions Y and Z are preferably free of pressure sensitive adhesive. When a binder strip 42 is being ejected from the subject cassette, a binding machine receiving the strip can tend to pull the strip out of the cassette at a rate faster than the strip is being fed by the cassette. This action tends to pull the elongated carrier 40 at a rate faster than the carrier is being moved by the take up roller and can thus result in a malfunction.

In order to reduce the likelihood of this type of malfunction, pressure sensitive adhesive is preferably not present in region Z at the trailing end of the strip. Thus, when the binder strip is substantially ejected from the cassette, the trailing end of the strip is free of the elongated carrier so that the carrier is not pulled by the strip as the strip continues to be ejected. Similarly, pressure sensitive adhesive can also be absent in region X to facilitate separating the binder strip 42 from the carrier just as the leading edge of the strip begins to be ejected from the cassette.

Claim 1 has been amended to more clearly recite the arrangement of the binder strips on the elongated carrier and the location of the pressure sensitive adhesive intermediate the binder strips substrates and the carrier. Each binder strip has a "leading and a trailing end", with the binder strips positioned on the carrier "so that a leading end of one binder strip is positioned next to a trailing end of an adjacent binder strip". In addition, the pressure sensitive adhesive is "disposed along less than a total length of each of the binder strip substrates between the leading and trailing ends". Thus, the Claim 1 makes even clearer that the term "length" used in the claim is the distance between the "leading and trailing ends." Claim 1 has been further amended to recite that the "leading end of the binders strips [exit] the housing prior to the trailing end".

Claim 1 was rejected for being obvious over either USPNo. USPNo. 2,276,297 to Flood (hereinafter Flood) or USPNo. 6,171,439 to Groeneweg (hereinafter Groeneweg) in view of Parker (2002/0131847) (hereinafter Parker) and USPNo. 6,893,519 to Barilovits et al (hereinafter Barilovits). It is submitted that amended Claim 1 is patentable over these references.

Barilovits is cited to address the claim language regarding the pressure sensitive adhesive being "disposed along less than a total length of each of the binder strip substrates". This reference shows a label dispensing apparatus which is used for marking positions along the length of a moving web of material by periodically applying a label to the web. As can be seen in Fig. 2 of Barilovits, the labels 32 are secured to a carrier tape 40 with the tape being positioned along the edge of the web 34 as shown in Figs. 4A – 4D. As shown in Fig. 3, the labels 32 include a section of pressure sensitive adhesive 62 disposed along a central region, with two outer regions 64 and 65 being devoid of adhesive 62. At Col. 1, line 55 to Col 2, line 17 of Barilovits it is stated that the labels are applied to the web so that a portion of the label extends past the web edge so that the label can be easily removed. That portion of the label extending past the web edge is said to preferably be free of adhesive "in order to prevent the outwardly projecting portion

of the label from sticking to equipment or other structures outboard of material web". According to Barilovits, prior labels utilized only a single adhesive-free region, with the improvement being the use of two adhesive-free regions 64 and 65 at opposite ends of the label so that task of properly orienting the labels on the web is simplified.

Thus, the presence of adhesive gaps 64/65 of Barilovits has nothing to do with facilitating removal of the labels from the carrier 40. One of ordinary skill in the art confronted with the problem of ejecting a binder strip from a cassette housing into a binding machine which may take up the strip at a rate which may differ from the rate at which the strip is being ejected would find no guidance at all in Barilovits for a solution since this reference addresses an entirely different problem. Thus, there is no motivation to combine any teachings of Barilovits with any other art to render the subject matter of Claim 1 obvious. For this reason alone it is submitted that amended Claim 1 is not rendered obvious over Barilovits in combination with the other cited references.

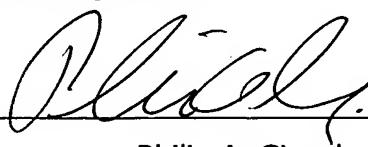
In addition, it can be seen from Fig. 2 of Barilovits that the labels 32 are arranged on the carrier tape 40 with the wide portions of the labels 32 adjacent one another. Accordingly, the long label ends extending across the width of tape 40 comprise the claimed "leading end" and the "trailing end" of the labels. It can be seen from Fig. 3 of Barilovits that adhesive 62 is disposed on all, not "less than a total length of each of the binder strip substrates between the leading and trailing ends" as recited in amended Claim 1. It would also appear that it is important that the elongated tape 40 be positioned over the edge of the moving web 40 as shown in Figs 4A – 4D so that one or the other of the adhesive gaps 64/65 will extend past the edge of the web as is desired. Thus, it would appear to render the Barilovits apparatus inoperative to relocate the adhesive gaps 64/65 in some manner so that the adhesive 62 no longer extends the full length of the label between the leading and trailing ends. Thus, Barilovits actually teaches away from arranging the adhesive as recited in amended Claim 1.

For the above-stated reasons, it is submitted that Claim 1 is patentable over the prior art as are Claims 2 – 11 which depend, either directly or indirectly, from allowable Claim 1 and add patentably significant limitations to the claim. In conclusion, all pending claims are in condition for allowance and an early allowance is respectfully requested.

Respectfully submitted,

GIRARD & EQUITZ LLP

Dated: 8/23/06

By: 

Philip A. Girard
Reg. No.28,848

Attorneys for Applicant(s)

Attorney Docket No. PRKR-4700